

CRS Report for Congress

Kosovo and U.S. Policy: Background and Current Issues

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Kosovo and U.S. Policy: Background and Current Issues

Summary

In 1998 and 1999, the United States and its NATO allies attempted to put an end to escalating violence between ethnic Albanian guerrillas and Yugoslav/Serb forces in Yugoslavia's Kosovo province in southern Serbia. These efforts culminated in a 78-day NATO bombing campaign (Operation *Allied Force*) against Serbia from March until June 1999, when then-Yugoslav leader Slobodan Milosevic agreed to withdraw his forces from the province. Since then, Kosovo has been governed by a combination of U.N. and local Kosovar interim governing structures. Under the terms of U.N. Security Council Resolution 1244, the U.N. Mission in Kosovo (UNMIK) retained ultimate political authority in the province. A NATO-led peacekeeping force, KFOR, was charged with providing a secure environment.

UNSC Resolution 1244 did not settle Kosovo's disputed status, but called for status to be considered at an undetermined time after an autonomous government was in place. Almost all ethnic Albanians want independence for Kosovo; Serbs say Kosovo remains an integral part of Serbia. In mid-2005, the U.N. launched a comprehensive review of the Kosovo standards, or benchmarks of progress. On this basis, the U.N. Security Council endorsed the start of status negotiations for Kosovo in early 2006 under the lead of former Finnish President Martti Ahtisaari. In November, Ahtisaari postponed the release of a proposal for the settlement of Kosovo's status until after Serbia held key early elections on January 21, 2007. Following that vote, which produced an unsettled political outcome, Ahtisaari presented his proposal for Kosovo's status to the contact group and the parties. His draft provides a blueprint for Kosovo's independence with some limits to its sovereignty. After final consultations with the parties, the proposal is expected to come before the U.N. Security Council this spring.

The United States, in concert with other members of the international contact group and the U.N. Security Council, has taken a leading role in international policy on Kosovo. The United States has committed peacekeeping troops to KFOR since 1999 and has upheld an "in together, out together" policy with respect to keeping some U.S. forces in Kosovo along with the European allies. The U.S. Administration had strongly pushed for the status question to be resolved by the end of 2006, and has emphasized the need for a swift status settlement. In Congress, U.S. involvement in the 1999 Kosovo war was controversial; after extensive debate, Congress neither explicitly approved nor blocked U.S. participation in NATO air strikes against Serbia. In the 109th Congress, some resolutions were introduced that dealt with Kosovo's future status. In the 110th Congress, a resolution on Kosovo's independence was introduced in the House in January 2007 (H.Res. 36). In February 2007, the Administration submitted FY2007 supplemental and FY2008 budget requests that include funds to support the outcome of the Kosovo status settlement.

For additional information, see CRS Report RS21721, *Kosovo's Future Status and U.S. Policy*, and CRS Report RL32136, *Future of the Balkans and U.S. Policy Concerns*, both by Steven Woehrel. This report will be updated as events warrant.

Contents

Introduction and Most Recent Developments	1
U.S. Policy Overview	2
War in Kosovo: February 1998-June 1999	3
Post-1999 Developments in Kosovo	4
Kosovo's Governing Institutions	4
UNMIK and KFOR	8
KFOR	11
The Issue of Kosovo's Future Status	12
Getting to a Status Process	12
International Process on Status	13
The Vienna Talks	14
The Ahtisaari Proposal	15
Next Steps	16
Ethnic Albanian and Serbian Perspectives on Status	17
U.S. Policy	19
Congressional Response	21

List of Figures

Figure 1. Map of Kosovo	23
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Kosovo and U.S. Policy: Background and Current Issues

Introduction and Most Recent Developments

An international process to determine a political settlement for Kosovo's disputed status is expected to reach its final stages in the coming weeks and months. U.N. envoy and former Finnish President Martti Ahtisaari unveiled a comprehensive status settlement proposal to the Serbian and Kosovar Albanian parties on February 2 and is holding final consultations on the plan in Vienna through early March. Although not yet a public document, accounts of the draft Ahtisaari plan say it outlines de facto independence for Kosovo with some constraints on its sovereignty and safeguards for minority rights. Ahtisaari claims that his proposal presents a "foundation for a democratic and multi-ethnic Kosovo." At the same time, he has stated that it is "highly unlikely" that the parties will come to agreement on a status settlement.

Nearly seven years after the NATO-led war over Kosovo in 1999, U.N.-led negotiations on the future status of Kosovo began early in 2006, and expectations for an imminent resolution to the territorial conflict over Kosovo were elevated. Later in the year, U.N. envoy Ahtisaari said that he was prepared to put forward a status proposal in view of his assessment that the talks had reached their limits in terms of usefulness and that the parties to the talks remained far apart on most issues. In November, however, he announced that he would postpone releasing his status proposal until after upcoming early elections in Serbia, scheduled for January 21, 2007, ostensibly in order to avoid negatively influencing the outcome of that election by boosting support for the extreme nationalist parties in Serbia. In the Serbian parliamentary vote, which was judged by international observers to be free and fair, the extreme nationalist Radical Party won the most votes; however, most observers expect that the democratically oriented parties will form the next Serbian government. To date, however, coalition talks have not yielded any major breakthrough toward the formation of the next government, with the impasse likely exacerbated by the looming prospect of Kosovo gaining independence.

Following Ahtisaari's consultations with the Serbian and Kosovar Albanian parties, the status package will be presented to the U.N. Security Council for review, possibly by late March. The Security Council is then expected to consider a new resolution on Kosovo. Consensus within the Security Council is far from assured; in particular, Russia has expressed several reservations about Kosovo's independence and its final position is viewed as unpredictable. Meanwhile, many officials and observers are concerned about the possibly destabilizing effect a prolonged delay of status may have on the ground in Kosovo, as well as the ongoing risk of social unrest, as evidenced by the death of two protestors in clashes with police during a pro-

independence rally in Pristina on February 10. The U.N. Mission in Kosovo (UNMIK) is expected to transition to a European Union-led civilian presence after a status settlement, while NATO is expected to retain a military presence in Kosovo at approximately its current level for the near term.

U.S. Policy Overview

In 1998 and 1999, the United States and its NATO allies attempted to put an end to escalating violence between ethnic Albanian guerrillas and Yugoslav forces in the Federal Republic of Yugoslavia's Kosovo region. They were outraged by Serb security forces' atrocities against ethnic Albanian civilians, and feared that the conflict could drag in other countries and destabilize the region. These efforts culminated in a 78-day NATO bombing campaign against Serbia from March to June 1999. Yugoslav leader Slobodan Milosevic agreed to withdraw his forces from the province in June 1999, clearing the way for the deployment of U.S. and other NATO peacekeepers. While NATO's action ended Milosevic's depredations in Kosovo, it left U.S. and other Western policymakers with many difficult issues to deal with. These included creating the conditions for the resumption of a normal life in Kosovo, such as setting up autonomous governing structures and beginning reconstruction of the war-torn province. The thorny issue of Kosovo's final status also loomed as unfinished business, with important ramifications for stability in the entire western Balkan region. After several years, U.S. policymakers began to emphasize the need to resolve unfinished business in the Balkans, especially with respect to a viable political settlement for Kosovo.

U.S. engagement in Kosovo has at times been controversial. Proponents of U.S. engagement say that instability in Kosovo could have a negative impact on the stability of the Balkans and therefore of Europe as a whole, which they view as a vital interest of the United States. They believe instability in the region could produce an environment favorable to organized crime and terrorism. In addition, they claim that such instability could deal a damaging blow to the credibility and future viability of NATO and Euro-Atlantic cooperation. They say the involvement of the United States is critical to ensuring this stability, because of its resources and unrivaled political credibility in the region.

Some critics say that the situation in Kosovo does not have as large an impact on vital U.S. interests as other issues, particularly the war on terrorism in the wake of the September 11 terrorist attacks on the United States and the war in Iraq. Reflecting international focus on the global anti-terrorism campaign and other priorities, there appears to be a strong interest in "finishing the job," including an "exit strategy" for the international civil and military administration of Kosovo, perhaps within the next year, as part of the determination of Kosovo's future status. However, a residual international civilian and military role, perhaps with a smaller U.S. presence, is likely to stay on for some time after status is determined.

War in Kosovo: February 1998-June 1999

Although the war in Kosovo had deep historical roots, its immediate causes can be found in the decision of Milosevic regime in Serbia to eliminate the autonomy of its Kosovo province in 1989. The regime committed widespread human rights abuses in the following decade, at first meeting only non-violent resistance from the province's ethnic Albanian majority. However, in 1998 ethnic Albanian guerrillas calling themselves the Kosovo Liberation Army (KLA) began attacks on Serbian police and Yugoslav army troops. The Milosevic regime responded with increasingly violent and indiscriminate repression. From February 1998 until March 1999, conflict between the KLA and Serb forces (as well as armed Serb attacks on ethnic Albanian civilians) drove more than 400,000 people from their homes and killed more than 2,500 people.

The United States and other Western countries used sanctions and other forms of pressure to try to persuade Milosevic to cease repression and restore autonomy to Kosovo, without success. The increasing deterioration of the situation on the ground led the international Contact Group (United States, Britain, France, Germany, Italy and Russia) to agree on January 29, 1999 on a draft peace plan for Kosovo.

They invited the two sides to Rambouillet, near Paris, to start peace talks based on the plan on February 6. As an inducement to the parties to comply, on January 30 the North Atlantic Council agreed to authorize NATO Secretary-General Javier Solana to launch NATO air strikes against targets in Serbia, after consulting with NATO members, if the Serb side rejected the peace plan. NATO said it was also studying efforts to curb the flow of arms to the rebels. The draft peace plan called for three-year interim settlement that would provide greater autonomy for Kosovo within Yugoslavia, and the deployment of a NATO-led international military force to help implement the agreement. On March 18, 1999, the ethnic Albanian delegation to the peace talks signed the plan, but the Yugoslav delegation rejected it.

NATO began air strikes on the Federal Republic of Yugoslavia on March 24, 1999. Yugoslav forces moved rapidly to expel most of Kosovo's ethnic Albanians from their homes, many of which were looted and burned. A December 1999 State Department report estimated the total number of refugees and displaced persons at over 1.5 million, over 90% of Kosovo's ethnic Albanian population. The report said that Yugoslav forces killed about 10,000 ethnic Albanians, and abused, tortured and

Kosovo at a Glance

Area: 10,849 sq.km., or slightly smaller than Connecticut

Population: 1.956 million (1991 Yugoslav census)

Ethnic Composition: 82.2% Albanian; 9.9% Serbian. Smaller groups include Muslims, Roma, Montenegrins, Turks, and others (1991 census).

raped others.¹ After 78 days of increasingly intense air strikes that inflicted damage on Yugoslavia's infrastructure and its armed forces, President Milosevic agreed on June 3 to a peace plan based on NATO demands and a proposal from the Group of Eight countries (the United States, Britain, France, Germany, Italy, Canada, Russia and Japan). It called for the withdrawal of all Yugoslav forces from Kosovo; the deployment of an international peacekeeping force with NATO at its core; and international administration of Kosovo until elected interim institutions are set up, under which Kosovo will enjoy wide-ranging autonomy within Yugoslavia. Negotiations would be eventually opened on Kosovo's final status.

On June 9, 1999, NATO and Yugoslav military officers concluded a Military Technical Agreement governing the withdrawal of all Yugoslav forces from Kosovo. On June 10, the U.N. Security Council approved UNSC Resolution 1244, based on the international peace plan agreed to by Milosevic. KFOR began to enter Kosovo on June 11. The Yugoslav pullout was completed on schedule on June 20. On June 20, the KLA and NATO signed a document on the demilitarization of the KLA.²

Within weeks of the pullout of Yugoslav forces from Kosovo and the deployment of NATO-led peacekeeping force KFOR, the overwhelming majority of ethnic Albanian refugees returned to their homes. At the same time, more than 200,000 ethnic Serbs and other minorities living in Kosovo left the province, according to the U.N. High Commissioner for Refugees. International officials estimate the number of Serbs living in Kosovo at about 100,000. Serbs in the northern part of the province are concentrated in or near the divided town of Mitrovica. The rest are scattered in isolated enclaves in other parts of the province, protected by KFOR troops. A key reason for the departures is violence and intimidation by ethnic Albanians, although some departures have been voluntary. Meanwhile, some 15,000 so-called "minority returns" — or returns of displaced persons to their homes in which they constitute an ethnic minority — have been reported over the last several years. Kosovo Serbs say that since the pullout of Yugoslav forces, more than 1,100 were killed and over 1,000 are missing. Hundreds of houses of Serb refugees have been looted and burned.

Post-1999 Developments in Kosovo

Kosovo's Governing Institutions

Since June 1999, Kosovo has been primarily administered by the U.N. Mission in Kosovo (UNMIK). According to U.N. Security Council Resolution 1244, UNMIK was tasked with gradually transferring its administrative responsibilities to

¹ *Ethnic Cleansing in Kosovo: An Accounting*, U.S. Department of State, December 1999.

² For historical background to the conflict in Kosovo, see CRS Report RS20213, *Kosovo: Historical Background to the Current Conflict*, by Steven Woehrel. For chronologies of the conflict in Kosovo, see CRS Report 98-752, *Kosovo Conflict Chronology: January-August 1998*, by Valerie Makino and Julie Kim; CRS Report RL30127, *Kosovo Conflict Chronology: September 1998-March 1999*, by Julie Kim.

democratically elected, interim autonomous government institutions, while retaining an oversight role. In a final stage, UNMIK was to oversee the transfer of authority from the interim autonomous institutions to permanent ones, after Kosovo's final status is determined.

Kosovo had little to no governing experience, especially after it lost autonomy under the rule of Milosevic. Kosovo's dominant political party had long been the Democratic League of Kosova (LDK), formerly headed by Ibrahim Rugova, who had led a shadow government during the Milosevic years. After the war, new parties emerged from the Kosovo Liberation Army. The biggest of these was the Democratic Party of Kosovo (PDK), headed by Hashim Thaci. Another significant, although smaller, ex-KLA group is the Alliance for the Future of Kosovo (AAK), led by Ramush Haradinaj. The LDK initially lost some ground to the newer parties but regained dominant support among the Kosovo Albanian population. Kosovo's first postwar electoral process, municipal elections held in October 2000, resulted in an LDK victory with 58% of the vote province-wide. The PDK won 27.3% and the AAK, 7.7%. Kosovo Serbs boycotted, charging that UNMIK and KFOR have been ineffective in protecting them from ethnic Albanian violence.

After consultation with local leaders, UNMIK issued a Constitutional Framework for Provisional Self-Government in Kosovo in May 2001. The Constitutional Framework called for the establishment of a 120-seat legislature, which elects a President and a Prime Minister. Twenty seats were reserved for ethnic minorities, including ten for Serbs, but Serbs were not granted veto power on laws passed by the ethnic Albanian majority in the body. UNMIK retained oversight or control of policy in many areas, including law enforcement, the judiciary, protecting the rights of communities, monetary and budget policy, customs, state property and enterprises, and external relations. UNMIK could invalidate legislation passed by the parliament if in conflict with U.N. Security Council Resolution 1244. KFOR remained in charge of Kosovo's security. The Constitutional Framework did not address the question of Kosovo's final status.

Leaders of ethnic Albanian parties voiced disappointment that the document did not allow for a referendum to decide Kosovo's final status. They also said that the Constitutional Framework gave the illusion of self-rule rather than the reality of it, since UNMIK reserved many key powers. Kosovo Serb leaders condemned the Constitutional Framework, saying it paved the way for Kosovo's independence and did not contain a mechanism to prevent the ethnic Albanian-dominated legislature from abusing the rights of Serbs.³

The first postwar vote for Kosovo-wide institutions was the November 2001 legislative election. The moderate LDK won 47 seats. The PDK won 26 seats, and the AAK won 8 seats. Four small ethnic Albanian parties won one seat each. The remaining 13 seats were won by parties representing the Bosniak, Turkish and Roma communities. In contrast to their boycott of the 2000 local elections, Kosovo Serbs turned out in substantial numbers to vote in the November 2001 legislative elections.

³ The text of the constitutional framework can be found at [<http://www.unmikonline.org/constframework.htm>].

A coalition of Serbian parties called Povratak, or Return, won 22 seats. Turnout in Serb-majority areas was about 47%, according to the OSCE, while turnout in Serbia and Montenegro was about 57%. (This compared with a turnout of about 67% in Albanian-majority areas.)

After months of political wrangling, the Assembly chose a President and a government in March 2002. LDK leader Ibrahim Rugova was elected as President. Kosovo's Prime Minister is Bajram Rexhepi of the PDK. The government consisted of members of the LDK, PDK and AAK. One cabinet post was reserved for a Kosovo Serb representative and another for a member of a non-Serb minority group. The Kosovo Serbs initially refused to join the government, saying they wanted greater representation, but finally agreed to do so in May 2002, after UNMIK agreed to appoint a Kosovo Serb as an advisor on refugee returns.

Kosovo held its second local elections on October 2002. Turnout for the vote was 54%, lower than in the previous two elections. Observers attributed the low turnout to disillusionment with the performance of the government and political parties in Kosovo. The LDK confirmed its status as the leading party in Kosovo, but lost ground compared to previous elections. The LDK won 45% of the vote, the PDK 29%, and the AAK 8.55%. Serb turnout was particularly low, at about 20%. Almost no Serbs voted in the troubled northern town of Mitrovica, where local authorities intimidated potential voters. Among those Serbs who did vote in the elections, the moderate Povratak (Return) coalition did poorly, while hard-line parties did well. These results may have reflected continuing Serb dissatisfaction with their situation in Kosovo, and with the failure of Serb moderates to improve it.

In March 2004, accusations that local Serbs were responsible for the drowning death of two ethnic Albanian boys near the divided city of Mitrovica erupted into violent demonstrations and attacks on several ethnic Serb enclaves throughout the province. Large crowds of ethnic Albanians came out in droves and set fire to Serb homes, churches and property in several cities. U.N. and NATO personnel evacuated some ethnic Serbs to protected enclaves but could not hold back the crowds or counter the destruction. The two days of violence on March 17-18, 2004, constituted the worst flare-up of inter-ethnic violence since the end of the 1999 Kosovo war. According to UNMIK, the two-day period resulted in the death of 19 civilians, injuries to more than 900 persons, including international peacekeepers, and the displacement of over 4,000 persons, mainly Serbs, from their homes. In addition, about 30 churches and monasteries, 800 houses, and 150 vehicles were destroyed or seriously damaged. U.N. and other international officials assessed that the attacks came about in part spontaneously, and in part as a result of an orchestrated campaign by extremist forces. Some referred to the attacks as "ethnic cleansing." The U.N. estimated that tens of thousands of persons participated in dozens of violent incidents in the two-day period.

Kosovo held new parliamentary elections on October 24, 2004. On the Albanian side, the results were largely in line with previous votes. The LDK won 45.4% of the vote, and 47 seats in the 120 seat legislature. The PDK won 28.9% and 30 seats. The AAK won 8.4% of the vote and nine seats. A new ethnic Albanian party, ORA, led by publisher Veton Surroi, won seven seats, while four other ethnic Albanian parties split five seats. Turnout for the election was 53.57%. Very few

Kosovo Serbs voted in the elections, responding to a call by Serbian Prime Minister Vojislav Kostunica to boycott the election in the wake of the March violence. Two Serbian groups which did participate in the elections received the ten seats reserved for the Serbian community in the legislature, but it was questionable whether they genuinely represented Serbian sentiment in Kosovo. Ten other seats were set aside for other ethnic communities in Kosovo.

On December 2, 2004, AAK leader Ramush Haradinaj was elected Prime Minister of Kosovo by the new Kosovo parliament. He led a new government composed of a coalition between the AAK and LDK. The PDK, a key part of the previous government, went into opposition. Haradinaj's nomination was controversial, due to concerns of EU and other international officials that he could be indicted by the International Criminal Tribunal for the Former Yugoslavia for war crimes allegedly committed when he was a rebel leader.

On March 8, 2005, Prime Minister Haradinaj resigned, after The Hague tribunal notified him and two of his associates that they had been indicted for crimes against humanity and war crimes allegedly committed during the 1998-1999 conflict with Serbian forces. Haradinaj and his co-indictees flew to The Hague to submit to detention. Haradinaj was succeeded as Prime Minister by a political ally, Bajram Kosumi. Haradinaj had won high marks from international officials for his energetic efforts to implement the standards. In June 2005, Haradinaj was provisionally released by the Tribunal in return for his pledge to return to The Hague for his trial. Without re-claiming a formal leadership position, Haradinaj is still thought to exercise substantial leadership in the AAK and in his home region. He recently had to return to The Hague to face trial beginning on March 5, 2007.

In mid-2005, the United Nations conducted a comprehensive review of the situation in Kosovo as part of effort to determine whether to open a political process designed to determine Kosovo's future status (see section on status, below). The review, conducted by U.N. envoy Kai Eide, included some praise for progress made in the development of governing institutions (although without sufficient engagement by the Kosovo Serbs) and landmark economic structures. At the same time, the review reported that the economic situation in Kosovo remained bleak and that respect for the rule of law was a serious problem. Prospects were poor for inter-ethnic harmony and the return of significant numbers of displaced minorities.⁴

On January 21, 2006, Kosovo President Ibrahim Rugova died after a long bout with cancer. In February 2006, Fatmir Sejdiu, from Rugova's LDK party, was elected as President by the Kosovo parliament. Later in the year, Sejdiu ran again for President of the LDK and won the internal party vote. In March 2006, Kosovo Prime Minister Bajram Kosumi stepped down after criticism of his performance, even within his own party. He was replaced by Agim Ceku, who was formerly head of the KLA and head of the Kosovo Protection Corps. The new government pledged to implement standards set by the international community for Kosovo, in preparation

⁴ The text of Eide's comprehensive review is in U.N. Security Council document S/2005/635, October 7, 2005.

for the determination of Kosovo's status after ongoing U.N.-mediated talks are concluded.

In preparation for the U.N.-led negotiation process on status, leaders of political parties both in government and in the opposition formed a Unity Team, led by President Sejdiu, to present a common front in the talks. The Kosovo negotiation team did not include minority representation from Kosovo Serbs, who have been included on the Serbian side. Some observers predict that it may become increasingly difficult to hold the Unity Team together as its component parties look ahead to the post-status political situation and new elections. At the same time, Kosovo's leaders will likely face enormous challenges in implementing a status settlement. Since the death of Rugova, it has been hard to point to a single Kosovar Albanian leader with comparably broad popular appeal or stature. In particular, divisions plague the leading LDK party, and some of its members recently broke away to form a new party headed by Nexhat Daci, former speaker of the Kosovo assembly. In December 2006, President Sejdiu won a contentious internal party vote to become LDK chairman. Under the terms of the Ahtisaari plan (see below), new general and local elections in Kosovo are to be held within nine months of a status settlement.

With expectations high for a status settlement favoring independence, local and international observers have also warned of potential instability and mounting local frustration if the status process is seriously thwarted. Some analysts have referred to a concept of "double disappointment" with respect to the evident lapse of previously firm deadlines and the possibility of watering down a status settlement in order to reach an international consensus. On both the ethnic Albanian and Serb minority side, the potential is high for instability pending a status solution.⁵ Some initial demonstrations have been held — by both Kosovar Albanian and Serbian organizers — in response to the Ahtisaari plan for Kosovo's status.

UNMIK and KFOR

U.N. Security Council Resolution 1244 (June 10, 1999) has formed the basis of the international role in Kosovo since the end of the war. The resolution authorized the deployment of an international security presence in Kosovo, led by NATO, under a mission to ensure the withdrawal of Yugoslav armed forces from Kosovo, the demilitarization of the KLA, and the maintenance of the cease-fire. Resolution 1244 gave the U.N. mission in Kosovo (UNMIK) the chief role in administering Kosovo on a provisional basis. UNMIK's duties included performing basic civil administration of the province; maintaining law and order, including setting up an international police force and creating local police forces; supporting humanitarian aid efforts; facilitating the return of refugees and displaced persons to their homes; protecting human rights; supporting the reconstruction effort; preparing the way for elections and the creation of self-government institutions; and facilitating a political process to address Kosovo's final status. Resolution 1244 provided for an interim period of autonomy for Kosovo until negotiations on the final status of the province take place. It expressed support for the FRY's territorial integrity.

⁵ See Report of the Secretary-General on UNMIK, S/2006/906, November 20, 2006, p. 1-2.

Bernard Kouchner of France served as the first Special Representative of the U.N. Secretary-General (SRSG) to oversee UNMIK until January 2001. He was replaced by Hans Haekkerup, Denmark's Defense Minister, whose brief term in Kosovo ended in December 2001. Michael Steiner, a German diplomat with extensive experience in the former Yugoslavia, became the third SRSG in early 2002 and completed his term in July 2003. Finnish diplomat Harri Holkeri became the fourth SRSG in August 2003. He stepped down in May 2004, citing health reasons, although some observers speculated that his resignation was also spurred by perceptions that his credibility, as well as that of UNMIK as a whole, had been damaged by the March 2004 riots. Danish diplomat Soren Jessen-Petersen, who had been the EU's Special Representative in Macedonia, became the next SRSG in mid-August. Upon his arrival, he outlined five mission priorities: improving security, prioritizing the standards and accelerating their implementation, transferring more authority to the PISG, protecting minorities, and improving the economy. In June 2006, Jessen-Petersen announced his early departure from UNMIK as of July. Joachim Rücker of Germany succeeded Jessen-Petersen as SRSG in September 2006.

UNMIK initially had a four-pillar structure divided into humanitarian aid, civil administration, democratic institution-building, and reconstruction. UNMIK phased out the humanitarian aid pillar in mid-2000 and added a police and justice pillar in 2001. The United Nations leads the police and justice pillar as well as the one for civil administration; the Organization for Security and Cooperation leads the institution-building pillar; and the European Union leads the reconstruction pillar.

In April 2002, then UNMIK chief Steiner offered a "vision on how to finish our job," or an "exit strategy" for the international mission. He outlined a "standards before status" approach that included a series of benchmarks for Kosovo's institutions and society that should be achieved before addressing Kosovo's final status. The benchmarks included the following:

- the existence of effective, representative and functioning institutions;
- rule of law;
- freedom of movement;
- sustainable returns and reintegration;
- development of a sound basis for a market economy;
- clarity of property rights;
- normalized dialogue with Belgrade; and
- reduction and transformation of the Kosovo Protection Corps in line with its mandate.⁶

The international community endorsed the "standards before status" approach. However, even as UNMIK downsized and transferred a greater number of administrative competencies to Kosovo's self-governing institutions, it became clear to most observers that UNMIK's ability to "finish the job" would ultimately depend on a resolution to the question of Kosovo's final status. The standards before status

⁶ Address to the Security Council by Michael Steiner, Special Representative of the Secretary-General, April 24, 2002, UNMIK/PR/719; [<http://www.un.org/News/Press/docs/2002/sc7375.doc.htm>].

approach gained new impetus in late 2003 with the Contact Group initiative, with U.N. Security Council approval, to elaborate on and “operationalize” the Standards for Kosovo and review their implementation by mid-2005 with a view to considering future status.⁷ In December 2003, UNMIK and the Kosovo provisional government established five joint working groups on implementing the standards. The Kosovo Serb community did not agree to participate in the working groups. Nevertheless, on March 31, 2004, UNMIK chief Holkeri unveiled the Kosovo Standards Implementation Plan (KSIP), a detailed road map for realizing the Kosovo Standards.

In a presidential statement, the U.N. Security Council strongly condemned the March 2004 inter-ethnic violence in Kosovo and attacks on KFOR and U.N. personnel. In view of the March events and the need to rebuild inter-ethnic cooperation, the U.N. Security Council called for urgent steps on two of the standards: sustainable returns and freedom of movement.⁸ In the aftermath of the attacks, some Serbian and European officials called for changes to the U.N. mission’s mandate in order to improve security conditions in Kosovo. Some major non-governmental organizations, including Human Rights Watch and Amnesty International, strongly criticized the performance of U.N. agencies and NATO operations in Kosovo for failing to protect minority communities. U.N. Secretary-General Annan commissioned a U.N. team headed by Kai Eide to review the U.N. Mission. Among other things, the Eide report called for a range of policy and institutional changes to provide greater clarity and focus to the U.N. mission and future direction of the province. Eide also said that “serious exploratory discussions” on future status should begin as early as 2004 and that final status negotiations should take place by mid-2005, with the participation of the Kosovo government and Belgrade. He called for the transfer of more powers from UNMIK to the Kosovo government, with the aim of terminating the U.N. mission after final status negotiations begin. He recommended that the European Union take over as lead international agency in Kosovo. The Secretary-General endorsed some of Eide’s recommendations, especially on the priority standards, but not all of them.

As the status process progressed in 2006, UNMIK continued to work with the PISG on implementing the standards. In June 2006, the contact group presented to the PISG a list of 13 priority standards for immediate attention, with most focused on minority rights. In a report to the Security Council in November 2006, Annan reported progress in implementing the 13 priority standards and a strengthening of Kosovo’s institutions that has resulted from standards implementation. He decried incidents of violence and called on local leaders to control possible discontent. He expressed continued disappointment that Kosovo Serb leaders remained outside the political process.⁹

⁷ The published text of the standards can be found at [<http://www.unmikonline.org/press/2003/pressr/pr1078.pdf>]. See also U.N. Security Council Presidential Statement, S/PRST/2003/26, December 12, 2003.

⁸ U.N. Security Council Presidential Statement, S/PRST/2004/13, April 30, 2004.

⁹ Report of the Secretary-General on the U.N. Interim Administration Mission in Kosovo, S/2006/906, November 20, 2006.

The current U.N. mission in Kosovo is projected to terminate after the status process is completed but retains its authority until Resolution 1244 is no longer in force. There is virtually no interest among Kosovar Albanians in prolonging its tenure, and UNMIK is frequently the target of popular protests. In his comprehensive review of the standards in 2005, U.N. envoy Eide noted that the U.N.'s leverage in Kosovo was already diminishing. Among other factors, UNMIK's reputation has suffered from numerous scandals and charges of corruption involving U.N. officials. UNMIK's reputation took another hit after international police applied deadly force to Kosovar demonstrators in Pristina on February 10, 2007. Two individuals were killed and several dozen wounded that day; UNMIK Chief Rücker subsequently dismissed the U.N. police chief over the incident. One week later, a bomb explosion hit several U.N. vehicles in Pristina. The post-status transition process of transferring authority and further competencies from UNMIK to the Kosovo government is estimated to last 120 days.

KFOR.¹⁰ KFOR's mission, in accordance with UNSC 1244, is to monitor, verify, and enforce the provisions of the Military Technical Agreement and the KLA demilitarization agreement. KFOR is also charged with establishing and maintaining a secure environment in Kosovo to facilitate the return of refugees, the delivery of humanitarian aid, and the operation of the international civilian administration. KFOR has actively supported UNMIK's activities, including efforts to meet benchmarks of progress and to transfer increased responsibilities, especially related to law enforcement, to Kosovo's interim civil authorities. Resolution 1244 includes a provision that says KFOR is to oversee the return of "hundreds, not thousands" of Yugoslav troops to Kosovo to liaise with the international presence, mark minefields, provide a "presence" at Serb historical monuments and "key border crossings." No troops from Serbia and Montenegro have returned to Kosovo for these purposes, although in March 2001, NATO approved the phased return of Serbia and Montenegro forces to the formerly demilitarized buffer zone between Kosovo and the rest of Serbia.

In response to the sudden and widespread ethnic Albanian attacks on Serb enclaves in March 2004, NATO swiftly made available an additional 3,000 NATO reserve forces to the former KFOR Commander, Lt. General Holger Kammerhoff. The performance of KFOR units during the violence varied widely. In the aftermath of the March incidents, NATO conducted a "lessons learned" study to evaluate KFOR's performance and identify areas for improvement. The study's recommendations reportedly included the removal of national restrictions, or caveats, on COMKFOR's ability to deploy KFOR troops; improved training and equipment; improved intelligence capabilities in order to anticipate events such as in March; and measures to maximize KFOR force presence in patrols. KFOR also created a Security Advisory Group with UNMIK and local Kosovar representatives to improve communication and coordination on security matters.

NATO reviews KFOR's mission every six months and periodically considers plans to adjust force structure, reduce force levels, and eventually to withdraw from Kosovo. From its peak strength in 1999 of nearly 50,000, KFOR steadily reduced

¹⁰ For more information, refer to the KFOR website at [<http://www.nato.int/kfor>].

in size in the following years. On the basis of its mid-2003 mission review and reflecting KFOR's assessment that the overall security situation remained stable, NATO agreed to continue to "regionalize and rationalize" KFOR's force structure and size, including a reduction in strength to about 17,500. Since December 2003, however, NATO members have agreed that a large NATO presence in Kosovo remains necessary and have maintained KFOR strength at about 16,000-17,000, with additional reinforcements brought in as necessary. KFOR force strength has remained at about this level ever since. The U.S. share of KFOR remains below 15% of the total and currently numbers about 1,700 troops. In 2005, the former NATO SACEUR, General Jones, proposed adjustments to KFOR's structure to improve mobility and flexibility. The adjustments involved streamlining the force into a task force structure that provides greater efficiency and eliminates the need for redundant support and logistics units.

KFOR has also been preparing for possible security challenges as Kosovo's future status is deliberated. KFOR and U.N. officials have acknowledged that they were actively monitoring the activities of "armed, criminal" ethnic Albanian groups that may be seeking to destabilize the province or disrupt the status negotiation process. KFOR reinforced its presence in northern Kosovo to boost security in that volatile sector. At the NATO Riga summit in November 2006, alliance members declared that NATO would remain ready to respond quickly to any threats. They also pledged to play a part in the implementation of the security provisions of a status settlement. NATO foreign ministers, meeting on January 26, 2007, expressed strong support for the Ahtisaari plan on Kosovo's status. Visiting Kosovo in February, NATO Secretary-General Jaap de Hoop Scheffer warned that KFOR "will not tolerate" any violence.

The Issue of Kosovo's Future Status¹¹

Getting to a Status Process

U.N. Resolution 1244 reaffirmed the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (FRY) and did not prescribe or prejudge a permanent political resolution to the issue of Kosovo's status. It said that Kosovo's status should be determined by an unspecified "political process." Ethnic Albanians in Kosovo strongly favor independence of the province from Serbia and its international recognition as a sovereign state as soon as possible. In the early years after 1999, the United States and other Western countries, as well as Kosovo's neighbors except Albania, opposed independence for Kosovo. They expressed concern that an independent Kosovo could destabilize the region by encouraging separatist ethnic Albanian forces in Macedonia, as well as Serbia's Presevo Valley, where many ethnic Albanians live.

Instead of status, international policy on Kosovo centered around "standards," as outlined above, and officials emphasized a policy of "standards before status."

¹¹ See also CRS Report RS21721, *Kosovo's Future Status and U.S. Policy*, by Steven Woehrel.

Kosovar Albanians initially expressed irritation with the benchmarks concept, as they believed this approach was designed to block their aspirations for independence indefinitely. Moreover, they complained that the Constitutional Framework does not give them enough authority to achieve the benchmarks, especially since UNMIK retained “reserved competence” in the area of law and order. More recently, however, Kosovar Albanian leaders have expressed greater support for the standards process, especially as it became more directly linked to the prospect of achieving status.

In November 2003, then-U.S. Under Secretary of State Marc Grossman announced, with the support of the other members of the international Contact Group, a formal review in mid-2005 on Kosovo’s progress toward meeting the standards. If the Contact Group, the U.N. Security Council and other interested parties judged that progress was “sufficient,” a process to determine the province’s status could begin. UNMIK released a highly detailed “Standards Implementation Plan” on March 31, 2004.

The violent events of March 2004 led some to question the accepted standards policy, as well as prospects for the peaceful coexistence of Kosovo’s majority ethnic Albanian and minority Serb populations. The Serbian government and parliament developed a plan to decentralize Kosovo and give the Serb minority self-governing autonomy. In July, a U.N. assessment team led by Norwegian diplomat Kai Eide recommended that the lengthy list of standards be replaced with a “dynamic, priority-based standards policy” to pave the way for status discussions and future European integration.¹² At the time, U.N. Secretary-General Annan and successive UNMIK chiefs defended the standards policy, while identifying urgent priority standards relating to security and minority rights. They and other international officials noted that standards implementation will remain important for Kosovo’s development even after a status settlement is reached.

International Process on Status

In 2005, the international community established a “roadmap” toward Kosovo’s future status. On May 27, 2005, the U.N. Security Council reviewed a quarterly report on UNMIK by the U.N. Secretary-General. On the basis of this report, Annan sanctioned the launch of the comprehensive review of the Kosovo standards for the summer. In June 2005, he appointed Norwegian diplomat Kai Eide, who led an earlier assessment of UNMIK, to lead the review. After several trips to the region, Ambassador Eide submitted his comprehensive review to Annan. On October 24, 2005, the U.N. Security Council endorsed the recommendation of U.N. Secretary-General Kofi Annan to launch a political process to determine Kosovo’s disputed status. On November 1, Annan announced his intention to name former Finnish President Martti Ahtisaari to be his U.N. Special Envoy to lead the international process. Ahtisaari began his mission with visits to Kosovo and Serbia in late November 2005. He said that he hoped that the two sides would agree to face-to-face

¹² For text of the Eide report, see U.N. Security Council document S/2004/932, November 30, 2004.

talks in early 2006. He stressed that there was no deadline set for the completion of the negotiations.

Prior to the start of negotiations, the contact group agreed on several principles to guide the status process. With respect to the status outcome, the contact group stated that there should be no return of Kosovo to the pre-1999 situation, no partition of Kosovo, and no union of Kosovo with any or part of another country. It also called for the settlement to ensure sustainable multi-ethnicity in Kosovo, effective local self-government and multi-ethnic coexistence through the process of decentralization, and safeguards for cultural and religious sites.¹³ The Contact Group stressed that “all possible efforts should be made to achieve a negotiated settlement in the course of 2006.”

The Vienna Talks. The status talks began in Vienna in February 2006. The initial rounds of the negotiations dealt with so-called “technical issues” that were meant to prepare the way for tackling the determination of future status. These included protecting cultural and religious sites, financial issues such as deciding Kosovo’s share of Serbia’s debts, and the decentralization of Kosovo’s government, including redrawing the borders of Kosovo’s municipalities. Ahtisaari and his deputies refrained from making specific proposals, instead permitting the Serbian and Kosovar delegations to put forth and discuss their own views. The positions of the two sides remained far apart on most issues, and little movement toward compromise solutions was reported.

One of most important issue dealt with in Vienna was the decentralization of Kosovo’s government, an issue that included possible solutions to the divided northern city of Mitrovica, a key potential flashpoint. Serbs have proposed the creation of a large number of Serb-majority municipalities within Kosovo, based on the Serb population of Kosovo before most Serbs fled the province in 1999 and on the location of Serbian cultural and religious monuments. The Serbs also sought the formal division of the northern city of Mitrovica (which is already *de facto* divided), separating its Serb-majority part north of the Ibar River from the ethnic Albanian-dominated southern part. These municipalities would be controlled by local Serb authorities, with their own police, and would be closely linked with each other and with Serbia. In contrast, the Kosovar Albanians offered to permit the creation of only a handful of Serb municipalities, based on Kosovo’s current Serbian population, and have demanded that Mitrovica be at least nominally united.¹⁴

On July 24, 2006, Kosovo President Fatmir Sejdiu and Prime Minister Agim Ceku met with their Serbian counterparts Boris Tadic and Vojislav Kostunica to discuss the status issue, in the first direct meeting between the two sides at the leadership. Both sides reiterated their long-stated views on status, and little progress

¹³ See “Guiding principles of the Contact Group for a settlement of the status of Kosovo,” S/2005/709, November 10, 2005; and “Statement by the Contact Group on the future of Kosovo,” January 31, 2006, website of the U.N. Office of the Special Envoy for Kosovo [<http://www.unosek.org>].

¹⁴ Reuters news agency dispatch, May 4, 2006.

toward a compromise was reached. Ahtisaari has called the positions of the two sides “as far apart as possible.”

The Ahtisaari Proposal. U.N. Special Envoy Martti Ahtisaari was expected to present his proposal for Kosovo’s status to the contact group and the U.N. Security Council in late 2006. After leading technical talks and status negotiations with the Kosovar Albanian and Serbian parties in Vienna since early 2006, Ahtisaari could report no major progress in reaching a negotiated settlement on status but said he was still prepared to come forward with a status proposal. The contact group and especially the United States had long emphasized a preference to conclude the Kosovo status talks in 2006. On November 10, however, Ahtisaari announced that he would postpone releasing his status proposal in order to avoid it having an adverse influence on key early elections in Serbia. He stated that he would present his proposal “without delay after the parliamentary elections in Serbia.”

Following the January 21 vote in Serbia, which produced inconclusive results, Ahtisaari presented a Comprehensive Proposal for the Kosovo Status Settlement to representatives of the contact group on January 26, in Vienna, and to the Serbian and Kosovar Albanian parties on February 2. The United States, European Union, NATO, and other organizations swiftly endorsed the proposal, although Russia called for more time to consider it.

According to a statement by Ahtisaari to the Council of Europe on January 24, the status proposal provides “the foundation for a democratic and multi-ethnic Kosovo in which the rights and interests of all members of its communities are firmly guaranteed and protected by institutions based on the rule of law.”¹⁵ The package, the full text of which has not yet been made public,¹⁶ aims to provide for a multi-ethnic, democratic Kosovo that is viable, sustainable, and stable. It grants broad governing authority to the Kosovo government, and provides for extensive minority protections through stated rights, structural safeguards in governance — especially through decentralization at the local level, and through international supervisory authority. Kosovo Serb municipalities are to have extended responsibilities and authority over local affairs, including the right to cooperate directly with and receive financial assistance from Serbia. The currently divided northern city of Mitrovica would become two municipalities under a joint board.

The terms of the Ahtisaari plan appear to constitute a compromise between the maximum positions of each side. According to available accounts, Ahtisaari’s proposal does not mention the term “independence” but provides for broad self-rule, including the right to enter into international agreements and seek membership in international organizations, as well as the right to create symbols of statehood such as a flag, national currency, and an army. A new International Civilian Representative would be considered the final authority on interpreting civilian

¹⁵ South East Europe Newswire, January 24, 2007.

¹⁶ An executive summary and fact sheets about the Ahtisaari plan are available on [<http://www.unosek.org>]. The summary states that the settlement proposal consists of a main body of key principles and twelve annexes.

aspects of the status settlement. A new International Military Presence, such as a continuation of KFOR, would provide for a safe and secure environment.

After another brief delay, Ahtisaari opened further consultations with the Serbian and Kosovar Albanian parties on February 21, in Vienna. A final Vienna meeting with the leadership in early March is expected to close out the consultation phase. Ahtisaari has stated that it was “highly unlikely” that the parties will come to any compromise on Kosovo’s status.

Next Steps. Ahtisaari and other international officials have stated that they expect to finalize the settlement package and bring it before the Security Council by the end of March. The timing of Security Council consideration of a new U.N. resolution to replace Resolution 1244 is not yet clear. Moreover, consensus within both the contact group and the Security Council is far from assured, adding some doubt to prospects of swift action. In particular, Russian leaders have made repeated statements opposing an imposed settlement for Kosovo or arbitrary deadlines, and holding out the possibility of a Russian veto in the Security Council. Russian officials have also warned that an outcome for Kosovo could serve as a precedent for other territorial disputes, such as in the Caucasus; in contrast, U.S. and European officials contend that Kosovo’s situation is unique and that a status outcome in Kosovo would not have any relevance to other parts of the world. International officials have not publicly speculated on possible other courses of action, should the Security Council fail to take action on Kosovo’s status.

The EU and NATO are expected to lead the post-status international missions expected to be authorized by a new U.N. resolution. European leaders have pledged to stand ready “to enhance its role in Kosovo following a status determination, in particular in the areas of police, rule of law, and the economy.”¹⁷ The International Civilian Representative, the intended highest civilian authority in Kosovo, is expected to be “double-hatted” as the EU “high representative” with some broad powers but less extensive than UNMIK.¹⁸ The EU is also expected to launch a rule of law mission including possibly over 1,000 international police under its European Security and Defense Policy (ESDP). An EU planning team has been in place in Kosovo to plan for a possible post-status EU operation. The transition period in the immediate aftermath of a status settlement is likely to serve as critical proving ground for a possibly long-term EU mission. EU leaders have called for political and legal “clarity” in the future status settlement — which should include above all a new U.N. resolution — in order to facilitate a swift EU response and a smooth transition.¹⁹ As noted above, NATO expects to continue to provide an international security presence in Kosovo, most likely at its current strength, for the near term.

¹⁷ European Council Presidency Conclusions, June 15/16, 2006.

¹⁸ This is perhaps similar to the Office of the High Representative (OHR) in Bosnia.

¹⁹ EU Presidency Conclusions, December 14-15, 2006. See also the European Commission’s Enlargement Strategy and Main Challenges, p. 14, November 8, 2006, available at [<http://ec.europa.eu/enlargement>].

Ethnic Albanian and Serbian Perspectives on Status

The negotiation approach set out by Ahtisaari in 2006, with its initial focus on “technical aspects,” appeared to recognize the completely opposing positions of the Albanian Serbian parties on status itself. It is the position of virtually the entire ethnic Albanian community in Kosovo that the independence of Kosovo is non-negotiable. The opening of status talks in 2006 spurred some tensions within the ethnic Albanian community. There was jockeying for advantage among the leading parties in Kosovo over the composition of the negotiating team for the talks, perhaps signaling a struggle between the Liberal Democratic Party of Kosovo (LDK) and the main opposition party, the Democratic Party of Kosovo (PDK) and other parties over who should get credit for what they see as Kosovo’s impending independence. Despite these pressures, the Unity Team involved in status negotiations has remained together thus far. Groups outside of the established political parties have mobilized some grass-roots support in opposition to any notion of compromise or negotiation of independence. They have organized periodic rallies against UNMIK and even Kosovar Albanian leaders.

Kosovo’s leaders insist that Kosovo achieve independence and are concerned about a prolonged delay in the process as well as an unclear outcome. The government responded calmly to Ahtisaari’s news of postponing his status proposal until early 2007, but a public rally in Pristina in late November threatened to turn violent, and many observers believe that Kosovar frustrations could easily explode.²⁰ Most recently, a pro-independence rally against perceived concessions to the Serbs in the Ahtisaari plan turned into a violent clash with U.N. police, leaving two dead on February 10. The Kosovar leadership has accepted the Ahtisaari package and has denounced any violent provocations by pro-independence citizens but continues to warn against further delay in settling Kosovo’s status.

The Serbian government, as well as Kosovo’s Serbian community, are strongly opposed to Kosovo’s independence, and this view is backed by virtually all political parties in Serbia. Serbian leaders have encapsulated their broad position on status with the phrase “more than autonomy, but less than independence” and have expressed willingness to discuss any aspect of Kosovar self-rule except for full independence. Kosovo Serbs have participated in the U.N. status talks as part of the Serbian delegation. Serbian Prime Minister Kostunica has repeatedly insisted that independence for Kosovo would violate Serbia’s territorial integrity and sovereignty and lead to greater instability inside Kosovo and in the region. Serbia’s parliament, convening on February 14 for the first time after the January elections, rejected the Ahtisaari plan as a violation of Serbia’s sovereignty.

Serbia’s internal political situation has become closely intertwined with the Kosovo status process. Although long at odds with each other, President Tadic and Prime Minister Kostunica achieved an important political consensus in the fall of 2006 on preparing a new Serbian constitution and then holding long-awaited early parliamentary elections. Passed by parliament and endorsed by a public referendum,

²⁰ “Delay, Delay — Kosovo’s Future,” *The Economist*, December 9, 2006; “Kosovo Status: Delay Is Risky,” International Crisis Group, Europe Report No. 177, November 10, 2006.

the constitution names Kosovo to be an integral part of Serbia. Early parliamentary elections were then scheduled for January 21, 2007, and a new presidential vote will be held later in the year. In late 2006, Serbia's leaders successfully appealed to the international community to postpone the Kosovo future status process until after the January elections, lest an unfavorable outcome fuel radical nationalist sentiment and boost the electoral fortunes of Serbia's Radical Party. The January vote itself, which was viewed to be free and fair, produced another strong showing for the Radical Party, although most observers expect the democratic parties to be able to form a new government, led by Tadic's Democratic Party. Coalition talks, however, may take some time and are complicated by their concurrence with the Kosovo settlement process.

Some observers have speculated that if Serbia is not able to prevent Kosovo from achieving independence, it may seek to secure a partition of Kosovo, with northern Kosovo formally becoming part of Serbia and the rest becoming independent.²¹ However, the United States and other members of the Contact Group have explicitly ruled out a formal partition of Kosovo as an acceptable status option. Serbian leaders may also seek or be offered other forms of compensation, such as easier terms for NATO and EU membership, or at least increased aid from these institutions and their member countries.²² However, Serbian Prime Minister Kostunica has rejected any notion of a trade-off between Euro-Atlantic integration and Kosovo and has instead spoken about negative repercussions for Serbia's relations with countries who move to recognize Kosovo's independence.

Some observers are also concerned that Serbia might attempt to destabilize the situation on the ground in Kosovo, if the status outcome leads to independence. Belgrade has already discouraged the participation of Kosovo Serbs in the Kosovo central government and UNMIK. In June 2006, local Serb authorities in northern Kosovo announced they were cutting ties to UNMIK and the Kosovo government, due to violence against Serbs, and called for the deployment of police from Serbia to their region. Some analysts fear that Serbia could unilaterally attempt to partition northern Kosovo or encourage Serbs to leave Kosovo in large numbers. KFOR's reinforced presence in northern Kosovo reflects international concern about the possibility of the north becoming a flashpoint as the status process winds down.

²¹ For example, a member of the Serbian government suggested that partition could be a solution in mid-2006. "Serbs Suggest Partition of Kosovo after UN Leaves," *Financial Times*, August 14, 2006.

²² At the November 2006 Riga summit, NATO somewhat unexpectedly offered membership in its Partnership for Peace program to Serbia, Montenegro, and Bosnia, even though Serbia and Bosnia had not yet fulfilled longstanding conditions of cooperation with the international war crimes tribunal.

U.S. Policy

From the beginning of the conflict in Kosovo in the late 1990s, the Clinton Administration condemned Serbian human rights abuses and called for autonomy for Kosovo within Yugoslavia, while opposing independence. The Clinton Administration pushed for air strikes against Yugoslavia when Belgrade rejected the Rambouillet accords in March 1999, but refused to consider the use of ground troops to eject Yugoslav forces from Kosovo. However, even before the air strikes, the Clinton Administration said that U.S. troops would participate in a Kosovo peacekeeping force if a peace agreement were reached. After the conflict, President Clinton said that the U.S. and NATO troop commitment to Kosovo could be reduced as local autonomous institutions took hold. He said that the United States and the European Union must work together to rebuild Kosovo and the region, but that “Europe must provide most of the resources.”²³

During the 2000 presidential campaign, Condoleezza Rice, later appointed National Security Advisor in President Bush’s first term, said that U.S. military forces were overextended globally, and that peacekeeping responsibilities in the Balkans should be taken over by U.S. allies in Europe. However, after taking office, the Administration appeared to adopt a more cautious tone. In February 2001, former Secretary of State Colin Powell said that the United States had a commitment to peace in the Balkans and that NATO forces would have to remain in Bosnia and Kosovo for “years.” He said the United States would review U.S. troop levels in Bosnia and Kosovo with the objective of reducing them over time, but stressed that the United States would act in consultation with its allies and was not “cutting and running.” President Bush reiterated this position during a visit to Kosovo in July 2001, stating that U.S. and international forces “came in together” and would “go out together,” under a common goal to “hasten the day” when peace in Kosovo would be self-sustaining.

The September 11, 2001, terrorist attacks in the United States and subsequent major military operations in Afghanistan and Iraq reinforced the Administration’s desire to decrease the U.S. deployment in the Balkans. The number of troops in KFOR has declined from about 38,000 in June 2002 to under 17,000 today, with the U.S. contingent falling from 5,500 to 1,700. Although NATO terminated its Stabilization Force in Bosnia and turned over peacekeeping duties to the EU, no such transfer from NATO to the EU has been agreed to for Kosovo, reflecting the more precarious security situation in Kosovo.

The Bush Administration supported the “standards before status” policy favored by UNMIK beginning in 2002. This approach called for the autonomous Kosovo government to achieve a number of benchmarks (including progress toward creating a functioning democratic government, free market economy, the rule of law and respect for ethnic minorities) before the issue of Kosovo’s status is discussed. In November 2003, the Bush Administration launched an initiative to give greater impetus to the “standards before status” policy. Former Undersecretary of State for

²³ See also CRS Report RL30374, *Kosovo: Lessons Learned from Operation Allied Force*, by Paul E. Gallis, coordinator.

Political Affairs Marc Grossman, backed by other members of the Contact Group, announced a “review date” strategy for the Kosovo standards that will lead to an evaluation of the standards for Kosovo by mid-2005. Should Kosovo meet the standards, he said that the international community would be prepared “to begin a process to determine Kosovo’s future status.” He also said that “all options are on the table,” but that the United States would not take a position on final status at this time.²⁴

On March 17, 2004, the State Department issued a statement strongly deploring the incidents of serious violence in Kosovo and calling for the restoration of calm and order and cooperation with international agencies. Since that event, senior U.S. officials continued to emphasize the standards and review date strategy, while giving particular emphasis to the priority standards relating to the treatment of ethnic minorities in Kosovo.

In May 2005, the second Bush Administration announced a new phase in U.S. policy in the Balkans. Emphasizing the need to “finish the work” in the region, Undersecretary of State for Political Affairs Nicholas Burns testified before Congress that the status quo of Kosovo’s unresolved status was no longer sustainable or desirable. He expressed U.S. support for the standards review timetable in 2005, possibly leading to status negotiations later in the year. He said that a settlement could be expected to be achieved by the end of 2006 and that the United States would remain an active partner in Kosovo. In December 2005, the Administration named Ambassador Frank Wisner to be the Special Representative of the Secretary of State to the Kosovo status talks.

On February 2, 2007, the Administration expressed support for U.N. Envoy Ahtisaari’s comprehensive proposal for a Kosovo status settlement. The State Department called it “fair and balanced,” and a “blueprint for a stable, prosperous, and multi-ethnic Kosovo.”²⁵ U.S. officials have urged the Serbian and Kosovar parties to engage constructively with Ahtisaari during final consultations over the status proposal. They have also emphasized the need for international unity in supporting a future status settlement; top U.S. officials have engaged their counterparts, including those from Russia, on the Kosovo question. Administration officials have also emphasized the need to offer Serbia’s democratic leadership a clear path toward Euro-Atlantic integration, including closer association with NATO and the EU. In late 2006, the Administration supported Serbia’s entry into NATO’s Partnership for Peace program, long withheld over the issue of Serbia’s cooperation with the international war crimes tribunal.

According to the Department of Defense Comptroller’s Office, DOD incremental costs for Kosovo through FY2005 (estimated) were \$9.1 billion. This figure included \$1.89 billion for the 1999 NATO air war, \$7.0 billion for KFOR, and

²⁴ “UNMIK Press Conference,” November 5, 2003. Transcript available on the State Department website in hypertext (html) at [<http://www.state.gov/p/26032.htm>] or in pdf (printer-friendly format) from the U.N. at [<http://www.unmikonline.org/press/2003/trans/tr051103.pdf>].

²⁵ Department of State press statement, February 2, 2007.

\$141.6 million in refugee aid.²⁶ From FY1999-FY2006, the United States obligated about \$865 million in bilateral aid to Kosovo.²⁷ The Administration's FY2007 request included \$79 million for Kosovo. In preparation for anticipated final action on Kosovo's status in 2007, the Administration has planned for increased aid allocations for Kosovo. In February 2007, the Administration put forward a supplemental request for Global War on Terrorism funding for FY2007, which included \$279 million for Kosovo to support the outcome of Kosovo's status settlement. For FY2008, the Administration requested \$151.2 million for Kosovo.

Congressional Response

In 1999, the 106th Congress debated whether U.S. and NATO air strikes in Kosovo were in the U.S. national interest, and whether the President could undertake them without congressional approval. In the end, Congress neither explicitly approved nor blocked the air strikes, but appropriated funds for the air campaign and the U.S. peacekeeping deployment in Kosovo after the fact. In 2000, some Members unsuccessfully attempted to condition the U.S. military deployment in Kosovo on Congressional approval and on the implementation of aid pledges made by European countries. Many Members of Congress said that they expected U.S. allies in Europe to contribute the lion's share of aid to the region and expressed concern that European countries were slow to implement their aid pledges. Congress moved to limit U.S. aid to Kosovo to 15% of the total amount pledged by all countries.²⁸

The 107th Congress focused on limiting the cost of the continuing U.S. engagement in Kosovo. For example, the FY2002 foreign aid appropriations law (P.L. 107-115) specified that aid to Kosovo "should not exceed 15 percent of the total resources pledged by all donors for calendar year 2002 for assistance for Kosovo as of March 31, 2002." It also barred U.S. aid for "large scale physical infrastructure reconstruction" in Kosovo. In subsequent years, Congress occasionally earmarked aid levels for Kosovo.

Kosovo's status has been another theme in legislation. In the 108th Congress, several resolutions were introduced that advocate U.S. support for Kosovo's independence. In the first session, H.Res. 11 and H.Res. 28 were introduced, expressing the sense of the House that the United States should declare support for Kosovo's independence. In the Senate, S.Res. 144 expressed the sense of the Senate that the United States should support the right of the people of Kosovo to determine their political future once "requisite progress" is made in achieving U.N. benchmarks in developing democratic institutions and human rights protections.

²⁶ See CRS Report RL33557, *Peacekeeping and Related Stability Operations: Issues of U.S. Military Involvement*, by Nina M. Serafino.

²⁷ U.S. Agency for International Development, Overseas Loans and Grants, July 31, 1945-September 30, 2001, p. 184; annual international affairs budget requests, U.S. Department of State.

²⁸ For detailed information on the activities of the 106th Congress, see CRS Report RL30729, *Kosovo and the 106th Congress*, by Julie Kim.

In the wake of the March 2004 violence in Kosovo, several resolutions were introduced to condemn the attacks, as well as subsequent attacks on Islamic sites in Serbia. These included H.Res. 587, introduced by Representative Christopher Smith, and H.Res. 596, introduced by Representative Burton. On April 8, the Senate agreed by unanimous consent to S.Res. 326, introduced by Senator Voinovich. The resolution, a slightly modified companion version of H.Res. 596, strongly condemned the violence; recognized the commitment of Kosovo and Serbian leaders to rebuild what had been destroyed and encourage the return of refugees; called on leaders in Kosovo to renounce violence and build a multi-ethnic society based on the standards for Kosovo; recommended the restructuring of UNMIK; and urged the reinvigoration of dialogue between Kosovo and Belgrade. S.Res. 384, offered by Senator Lugar on June 18, called on the United States to work with KFOR, UNMIK, and the Kosovo and Serbian governments to implement the Standards for Kosovo.

The 109th Congress also considered legislation on Kosovo. On January 4, 2005, Representative Lantos introduced H.Res. 24, which expressed the sense of the House that the United States should support Kosovo's independence. On October 7, 2005, the Senate passed S.Res. 237, a resolution supporting efforts to "work toward an agreement on the future status of Kosovo and a plan for transformation in Kosovo." It did not express support for any particular status option. The resolution passed without amendment by unanimous consent. An identical House resolution was introduced on December 17, 2005 (H.Res. 634).

At the start of the 110th Congress, Representative Lantos introduced H.Res. 36 on January 5, 2007, which calls on the United States to, among other things, support Kosovo's independence within its existing borders as a sovereign and democratic state. It has been referred to the Subcommittee on Europe in the House Committee on Foreign Affairs. As the international process to determine Kosovo's status progresses in 2007, additional bills on Kosovo's status may be introduced.

Figure 1. Map of Kosovo

Source: Map Resources. Adapted by CRS. (K.Yancey 4/29/04)